

Scott County Zoning Ordinance

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Article One

Basic Provisions

UNIFIED ZONING ORDINANCE

ORDINANCE NO. _____
(Scott County)

ORDINANCE NO. _____
(City of Scottsburg)

An Ordinance regulating and restricting the size of buildings, the size of yards, courts, and other open spaces; the density of population; the location and use of buildings and land for agriculture, trade, industry, residence, and other purposes; creating districts for said purposes and establishing boundaries for such districts; defining certain terms used herein; providing for enforcement; establishing all ordinances or parts of ordinances in conflict herewith; now, therefore:

ENACTING CLAUSE, Now be it ordained by the Board of County Commissioners of Scott County, Indiana and the Common Council of Scottsburg, Indiana pursuant to their authority under the laws of the State of Indiana, 36-7-4 et seq. thereto:

1.1 Title

This Ordinance shall be formally know as the “Scott County Zoning Ordinance,” and it may be cited and referred to as the “Zoning Code.”

1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Eleven.

1.3 Authority

This Zoning Ordinance is adopted by Scott County and the City of Scottsburg pursuant to their authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this ordinance refer to the Indiana Code which has been amended or superceded, this Ordinance shall be deemed amended in reference to the new or revised code.

1.4 Purpose

This Ordinance is intended to guide the growth and development of Scott County and the City of Scottsburg in accordance with the goals, objectives, and strategies stated within the Scott County Comprehensive Plan for the following purposes:

- A. To secure light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. To plan for the future development of Scott County and the City of Scottsburg to the end:
 - a. That the community grows only with adequate public ways, utility, health, educational and recreational facilities;

- b. That the needs of agriculture, industry and business are recognized in future growth;
- c. That residential areas provide healthful surroundings for family life;
- d. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
- e. That the community strive for high aesthetic value and quality planning and design.

1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Ordinance and the permits and certificates required by this Ordinance have lawfully been issued.

1.6 Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 Interpretation

The provisions of this Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.8 Ordinance Jurisdiction

This Ordinance applies to all land within Scott County and the City of Scottsburg, Indiana excluding the corporate limits of the Town of Austin.

1.9 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, greater restriction shall control.

1.10 Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.11 Repealer

The Scott County Zoning Code of _____, Ordinance No. _____ and its associated Zoning Map are hereby repealed. This Scott County Zoning Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinances.

1.12 Transition Rules

- A. Any application for an Improvement Location Permit that has been filed with Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B. Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in the new ordinance, the Planning Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Board of Zoning Appeals (i.e. special exception, use variance, development standards variance) that has been filed with the BZA or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the effective date of the Subdivision Control and Zoning Ordinance that were in place at the time of filing, provided that:
 - a. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
 - b. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. All new building sites shall meet the requirements of this Ordinance unless:
 - a. A building permit was issued and is still valid, or

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- b. A parcel was approved as a buildable lot by Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance.

Article Two

General Zoning Districts

2.1 Establishment of Districts

Each of the districts stand alone and are not a part of a hierarchy system of zoning. For example, what is permitted in the R 1 district is NOT permitted in the R 2 district.

Only those uses and development standards which are expressly permitted and noted for each district apply. For the purpose of this Ordinance, the Planning Jurisdiction is divided into the following zoning districts for the general uses as stated:

A – Agricultural: This district is established to be used for existing and developing residential and agricultural areas.

R 1 – Single Family Residential: This district is established to be used primarily for one-family detached dwellings.

R 2 – Two-family and Multiple Family Residential: This district is established to be used primarily for two-family semi-detached and multiple family residential dwellings.

L B – Local Business: This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments that are small to medium in scale.

G B – General Business: This district is established for the special issues related to commercial developments along highways and interchange areas.

I – Industrial: This district is established for small business parks, light manufacturing facilities, light manufacturing parks and utility usage.

F P – Floodplain District: This district is established for areas designated as a Special Flood Hazard Area on the National Flood Insurance Program Flood Hazard Boundary Map produced by the Federal Emergency Management Agency.

2.2 District Land Uses

Land uses are either Permitted, Non-Permitted or a Special Exception in each Zoning District. Permitted and Special Exception uses for each Zoning District are noted in Article Three – District Regulations.

2.3 Unlisted or Questionable Land Uses.

Any land use not listed as a Permitted Use or Special Exception is considered Non-Permitted unless the Plan Commission or Planning Director makes a determination otherwise. The Plan Commission or Planning Director may determine into which category, if any, that a questionable use may be placed if it is not specifically listed and is significantly similar to another use that is Permitted by right or as a Special Exception. This determination may be appealed to the Board of Zoning Appeals.

Article Three

District Regulations

3.1 Agricultural District; A

The following regulations shall apply in this district:

(A) The A zoned district is intended to be used for existing and developing residential districts and agricultural areas. The following uses are permitted:

- (1) One-family detached dwellings;
- (2) Agriculture, provided that no poultry or livestock, except domestic pets, shall be housed within 100 feet of the front boundary of the property;
- (3) Parks and playgrounds;
- (4) Public structures and uses in accord with the intent of this district;
- (5) Institutions of an educational, religious, medical, charitable, or philanthropic nature;
- (6) Accessory uses and structures;
- (7) Mobile home when located on lot which adjoins a public thoroughfare and in accordance with the requirements of Supplementary District Regulations;
- (8) Compact homes (double wide mobile homes) in accordance with the requirements of Supplementary District Regulations;

(B) The following uses are permitted as special exceptions:

- (1) Drive-in outdoor theater subject to the requirements of this chapter;
- (2) Private clubs, private lodges and private recreational buildings and areas;
- (3) Tourist homes;
- (4) Rooming or boarding houses;

(5) Mobile home parks in accordance with IC 16-41-27, State Board of Health Regulations, as amended and in accordance with the requirements of Supplementary District Regulations;

(6) Temporary wayside stands for the sale of farm products grown on the premises;

(7) Mobile home subdivisions in accordance with the requirements of Supplementary District Regulations;

(8) Recreational Vehicle Parks in accordance with the minimum requirements of Supplementary District Regulations;

3.2 Single Family Residential District; R 1

The following regulations shall apply in this district:

(A) *Use regulations.* Permitted uses are:

- (1) One-family detached dwellings;
- (2) Parks and playgrounds;
- (3) Public structures and uses in accord with the intent of this district;
- (4) Accessory uses and structures.

(B) *Special exceptions.*

(1) Institutions of an educational, religious, medical, charitable or philanthropic nature.

3.3 Two-family and Multiple Family Residential District; R 2

The following regulations shall apply in this district:

(A) *Use regulations.* Permitted uses are:

- (1) One-family detached dwellings;
- (2) Two-family, semi-detached, row or townhouse dwellings and multi-family dwellings;
- (3) Public structures and uses in accord with the intent of this district;
- (4) Accessory uses and structures;

(5) Compact homes (double-wide mobile homes) in accordance with the requirements of Supplementary District Regulations.

(B) *Special exceptions.*

(1) Mobile home parks in accordance with IC 16-41-27, and with the requirements of Supplementary District Regulations;

(2) Mobile Home Subdivision in accordance with the requirements of Supplementary District Regulations;

(3) Local commercial uses.

3.4 Local Business; L B

The following regulations shall apply in this district:

(A) *Use regulations.* Permitted uses are:

(1) All those permitted in the R 2 Residential District:

(2) Professional offices, barbershops, beauty parlors, banks, building and loan associations, automatic coin laundry and dry cleaning establishments, drugstores, fruit markets, grocery stores, hardware stores, meat markets, self-service laundries, shoe repair shops and any accessory use of buildings customarily incidental to the above permitted uses;

(3) Places of amusement or assembly, theaters other than drive-in, offices, restaurants, hotel, motor courts or motels subject to the provisions of this chapter, any retail business or service including the marketing of articles to be sold at retail on the premises, provided that any such manufacturing or processing shall be incidental to a retail business or service, any accessory use or building customarily incidental to the above permitted uses.

(B) *Special exceptions.*

(1) Funeral home;

(2) Mortuary establishment.

3.5 General Business; G B

The following regulations shall apply in this district:

(A) *Use regulations.* Permitted uses are:

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- (1) All those permitted in the Local Business District;
- (2) Automobile laundry;
- (3) Automobile sales – new;
- (4) Automobile sales – used;
- (5) Boat, boat trailer and marine accessory sales and rental;
- (6) Bowling alley or similar recreational establishment entirely enclosed within a building;
- (7) Building material sales;
- (8) Commercial greenhouses and plant nurseries including offices and sales yards, provided that no building for any such use shall have a heating plant, ventilating flue or other opening except stationary windows within 50 feet of any Residential District;
- (9) Cargo trailers, camping trailers, sales, and rental;
- (10) Construction equipment sales and rental;
- (11) Farm machinery sales or rental;
- (12) Ice storage and vending;
- (13) Mortuary;
- (14) Mobile home sales lot;
- (15) Motor vehicle service station conforming to be the requirements of this chapter;
- (16) Public garages conforming to the requirements of this chapter;
- (17) Salesroom or shop of a builder, contractor or artisan providing no equipment is stored out-of-doors unless enclosed and screened from view by fences;
- (18) Skating rinks;
- (19) Truck sales;
- (20) Accessory use and buildings customarily incidental to the above permitted uses.

(B) *Special exceptions.*

(1) Drive-in business including drive-in outdoor theaters, subject to the requirements of this chapter.

(2) Recreational Vehicle Parks in accordance with the minimum requirements of Supplementary District Regulations.

3.6 Industrial District; I

The following regulations shall apply in this district:

(A) *Use regulations.* Permitted uses are:

(1) Wholesale businesses, warehouses, trucking terminals, and similar non-processing storage and distribution uses;

(2) Manufacturing, compounding, processing, or packaging of food and food products, and cosmetics, toiletries, and pharmaceuticals, except meat products, vinegar, yeast, and rendering or refining of fats and oils;

(3) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, paper, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber, textiles or cloth products, tobacco, wood or wood products;

(4) Manufacture of ceramic products, excluding building materials, using only previously pulverized clay and kilns fired by electricity or gas;

(5) Repair, manufacture or assembly from prepared materials of the following: musical instruments, clocks or watches, toys or novelties, electrical appliances, electronic devices, light sheet metal products, mining equipment, machine equipment, machine tools and machinery not requiring the use of a punch press over 100 tons rated capacity or drop hammer, office equipment;

(6) Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business, and contractor's storage yard or plant;

(7) Research, experimental, or testing laboratories;

(8) Public utilities uses, such as electric sub-stations, storage of materials and trucks, repair facilities, offices and electronic generating plants;

(9) Scrap yards and automobile wrecking yards, provided that such uses shall be set back at least 100 feet from the road and shall be screened from view by a solid fence at least eight feet high;

(10) Accessory uses and structures, including retail sales of products manufactured on the premises.

(B) *Special exceptions.* Any other industrial use which, in the opinion of the Board of Appeals, shall be compatible with the intent of this district.

(C) *Prohibited uses.* Dwelling or living quarters of any kind, except that there may be erected and maintained on any premises, dwellings or living quarters for bona fide caretakers and/or watchpersons and their families. Dwelling of any type so provided shall comply with all of the requirements for that type dwelling set forth for the zone in which such is permitted or, if such dwelling is in the same building occupied by an industrial use, with the restriction that only one dwelling unit shall be permitted.

3.7 Floodplain District; F P

The following regulations shall apply in this district:

(A) *Use regulations.* Permitted uses are:

(1) All buildings, structures, construction grading and deposits that are essential to the operation of public works such as bridges, water and sewer facilities, utility sub-stations, power and telephone line supports, transmission towers and other service structures;

(2) Non-damageable or low damage potential uses, such as agriculture, parking lots, park and recreation areas, signs, and similar uses;

(3) All buildings and structures permitted in the primary zoning district subject to the regulations of such district and provided that:

a. Buildings for uses other than Residential, where permitted by the primary zone, may be constructed without reference to paragraph “c” below, provided they are flood proofed to prevent damage and if the plans for such buildings have been approved by the Indiana Department of Natural Resources.

b. All improvement location permits shall be issued upon the condition that no occupancy permit will be issued and no occupancy will be permitted until the applicant furnishes: A certification from a registered professional engineer or land surveyor stating that the elevation of the structure and the site meet the requirements of this ordinance, or certification of plan

approval from the Indiana Department of Natural Resources as provided in paragraph “a” above.

c. The ground upon which such building or structure is to be located and an area twenty (20) feet beyond the limits of such building or structure, the access drive and the public street shall, prior to or at time of construction, be raised to an elevation of not less than one foot above the designated flood elevation and the first floor elevation shall be not less than three feet above the designated flood elevation.

(B) *Alterations*

No building or structure existing at the time this ordinance becomes effective shall be enlarged in floor area unless the ground floor or such addition complies with the elevation requirements set forth herein.

(C) *Determination of Flood Elevation*

The official flood elevation shall be that maximum elevation recommended by the Indiana Department of Natural Resources, concurrent with the date of interpretation, and shall therefore be variable in accordance with the flood control measures as are being constructed from time to time to reduce the flood threat in the future.

Article Four

Zoning Map

4.1 Official Zoning Map

The “Scott County Zoning Map” is hereby included as part of this ordinance. The zoning map shall be formally known as the “Scott County Zoning Map” and it may be cited and referred to as the “Official Zoning Map” or the “Zoning Map.”

4.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map Copies shall be labeled as copies and have the date which they were last modified printed on them.

4.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Planning Director.

4.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this ordinance shall be used to identify the zoning districts on the map. Planned developments shall be shown on the map by abbreviations as noted in this ordinance and shall also be identified by the number and date of passage of the Ordinance approving the Planned Development.

4.5 Regular Revisions

The Official Zoning Map should be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the “date last changed” noted on the map. Other revisions may be made to correct drafting or other errors and omission in the prior map, but shall not have the effect of amending the Official Zoning Map.

4.6 Damaged, Destroyed or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to the nature or number of changes, the Scott County Area Plan Commission may, by resolution, adopt a new Official Zoning Map, which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

4.7 Official Zoning Map Standards

District boundaries on the Official Zoning Map shall be interpreted as follows:

- A. District boundaries shown within or parallel to the lines of roads, easements, and transportation right-of-ways shall be deemed to follow the center line of affected road, easement, or right-of-way.
- B. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or city or town corporation lines shall be construed as following such lines.
- C. District boundaries indicated as parallel to section or fractional sectional lines, platted lot lines, city or town corporation lines, shall be construed as parallel to the affected line.
- D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- E. Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than twenty-five (25) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. Further, the exact location of where the line crosses the property shall be determined by the Planning Director.
- F. The vacation of streets shall not affect the location of the district boundaries.
- G. When the Planning Director cannot definitely determine the location of a district boundary by the center lines, by scale or dimensions stated on the Official Zoning Map, because the boundary does not clearly coincide with a property line, the Director may refuse action and the Plan Commission may interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

Article Five

Supplementary District Regulations

5.1 Off-Street Parking Requirements

(A) Permanent off-street automobile parking spaces shall be provided for all structures or uses and any enlargement of existing structures or uses. Any parking space assigned prior to the date of this ordinance to an existing structure or use shall be continued and shall not be counted as parking area for a new structure or use as long as the original structure or use continues.

(B) One automobile parking space shall consist of 200 square feet area, with a minimum width of nine feet. In addition, adequate interior drives and driveways to connect each parking space to a public street shall be provided.

(C) Parking areas shall be well drained and constructed of materials, which will eliminate problems of dust and mud.

(D) Parking areas shall be located on the same site as the structure or use they serve, or for non-residential uses, may be located on a separate site within 300 feet.

(E) Parking spaces shall be provided in accordance with the following schedule:

(1) Single-family, two-family, and multiple dwellings: One space per dwelling unit.

(2) Mobile homes on individual lots in agricultural districts, compact homes, and mobile home subdivisions: Same requirements as for single-family connectionally built dwellings.

(3) Mobile Home parks: One off-street parking space for each mobile home site, plus one additional off-set parking space for each four sites for guest parking.

(4) Recreational vehicle parks: One off-street parking space for each park employee.

(5) Hotels, motels, tourist homes, and rooming houses: One space per room or suite.

(6) Theater, auditorium, church, and similar places of assembly: One space per every five seats.

(7) Civic clubs, private club or lodge: One space per 200 square feet of floor area.

(8) Hospital or rest homes: One space per four beds.

(10) Other commercial recreation establishments: One space per 200 square feet of floor space.

(11) Food store, drug store, restaurant: One space per 200 square feet of floor space.

(12) Furniture store, automobile sales room, showroom, wholesale establishment, warehouse, and similar uses: One space per 300 square feet of floor area.

(13) All other retail sales and service establishments: One space per 200 square feet of floor area.

(14) Professional office or office building: One space per 200 square feet of floor area.

(15) Industrial plant: One space per 400 square feet of floor area or one space per every three employees of the maximum shift, whichever is the greatest.

(F) Designs and plans for open areas to be used for automobile parking shall be approved by the Plan Commission. Plans for such parking areas, submitted to the Commission, shall show in detail the location and extent of the area, locations and types of walls, fences, and screen plantings, proposed layout of parking spaces, and other features, conditions, or requirements of this chapter.

(G) In cases of development or redevelopment of properties where application of the foregoing schedule would create undue hardship, the applicant may appear before the Board of Appeals to present a modified plan for the provision of off-street parking. The Board of Appeals is authorized to approve such plan after referral to the Plan Commission.

5.2 Off-Street Loading Requirements

(A) At least one off-street loading space shall be provided for every hospital, institution, commercial, and industrial building erected after the date of this ordinance with a floor area of 5,000 square feet or more.

(B) Each loading space shall have a minimum width of 12 feet, a minimum length of 35 feet, and a minimum height, if covered, of 14 feet. Each loading space shall have access to a public street or alley.

5.3 Accessory Structures and Uses

(A) Accessory structures.

(1) Accessory structures include garages, storage buildings, barns and similar structures. The area of accessory buildings shall be included in calculations of lot coverage.

(2) No accessory building shall be erected in any required yard, except the Board of Appeals may allow construction of a garage in the front yard space.

(3) No accessory building shall be erected less than five feet from the rear lot line or less than five feet from any other building on the lot.

(4) No accessory building shall be greater than 15 feet in height, except that greater heights may be approved as a special exception by the Board of Appeals.

(5) A garage having any part of a wall in common with a dwelling is considered part of the main building and not an accessory building.

(6) A mobile home is not considered an accessory structure.

(B) Accessory uses in Residential Districts. The following accessory uses are permitted in the R 1 and R 2 Districts.

(1) Home occupations and professional offices which are in the same building in which the tenant is an occupant and which employ no more than two assistants, and which do not change the residential character and appearance of such dwelling.

(2) The renting of rooms to no more than two persons by a resident family.

5.4 Public Utility Use or Structures

Water, sewer, electric, gas, telecommunications, and communications lines, and necessary incidental equipment such as repeaters, transformers, switches, pumps, and regulators when such equipment is located on the lines or premises of the owners but no administration, construction, maintenance or storage uses, are permitted in all zones and shall be subject to lot, yard, height, and lot coverage requirements. All other public utility facilities not permitted in the District Regulations are permitted only as special exceptions in any zone when approved by the Board of Appeals, which shall provide for adequate safeguards to the adjoining properties.

5.5 Signs

(A) General provisions. No sign shall be erected, hung, placed or painted in any district, except as provided in this section.

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(B) No sign shall be erected or displayed until the sign has been approved by the Planning Director and permit issued, except that the following signs may be erected without a permit:

(1) Name and identification signs of two square feet or less.

(2) Temporary business signs not maintained for a period in excess of ten days.

(3) A temporary real estate sign advertising the sale or rental of the property on which it is located not to exceed six square feet in area.

(4) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(5) Directional or information signs of a public or quasi-public nature, erected and maintained by an official or civic body.

(C) For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit, where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be a single sign. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Only one side of a two face sign shall be used for computing sign area.

(D) No sign erected before the date of this ordinance shall be altered or moved except in accordance with this chapter.

(E) A lighted sign shall not reflect into adjacent residential areas. Lighting or wording on a sign shall not be of a nature confused with public traffic and directional signs.

(F) The following signs are allowed in residential districts (A, R 1, R 2):

(1) Name and identification signs indicating the name and address of the occupant or permitted home occupants, provided that such sign shall not be greater than two square feet in area;

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(2) Institutional signs for public and semi-public uses provided that such signs shall not exceed 20 square feet in area;

(3) *Tourist home sign.* A sign for a tourist home, permitted in a residential district, shall not exceed six square feet.

(G) The following signs are permitted in the L B, G B, I Districts:

(1) All signs permitted in the residential district;

(2) Business signs may be erected providing the sum area of all signs does not exceed the two square feet per foot of building frontage. The total area of business signs shall not exceed 200 square feet.

(3) In addition to business signs, each separate commercial lot may have one freestanding identification sign. The identification sign shall only contain the name of the building or the name of the business enterprise. The sign structure shall not exceed 30 feet in height and the sign area shall not exceed 100 square feet in area.

(H) Outdoor advertising signs, displays and billboards are permitted in the G B, I Districts, in accordance with the following provisions:

(1) No outdoor advertising sign shall have a dimension greater than 18 feet by 55 feet;

(2) No outdoor advertising sign shall exceed a height of 25 feet;

(3) The outdoor advertising structure shall conform to the front and side yard requirements of the district.

(4) No outdoor advertising structure shall be located closer than 500 feet to a public park, school, or other public building.

(I) Outdoor advertising within 600 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems are in addition to the stipulations of this chapter subject to the requirements of Title I of the Highway Beautification Act of 1965, as amended.

5.6 Yard Exceptions

For large scale housing developments. Upon presentation to the Plan Commission of a site plan showing the location of buildings, streets, yards and other open spaces, for the unified residential development of an area bounded on all sides by streets or a park or other permanent open space, the Plan Commission may waive the theretofore established side and rear yard requirements. After approval of the Plan Commission, the Board of Zoning Appeals may authorize the Planning Director to issue permits in

accordance there with, if the net land area per dwelling unit contained in the development is now less than that prescribed for the district in which the development is located.

5.7 Shopping Centers

After reference to and approval thereof by the Plan Commission, the Board of Zoning Appeals may authorize the issuance of a permit or permits for the construction of a shopping center for the conduct of a retail business in all Residence Districts, if that proposed shopping center conforms to the following requirements:

(A) *Area.* The minimum area shall be ten acres.

(B) *Initial construction.* Satisfactory assurance shall be given that initial construction will comprise not less than 50% of the planned total construction as amended in terms of the bulk of the buildings proposed to be built.

(C) *Plan.* The proposed development shall be in accordance with a unified site plan and architectural scheme. However, it shall not be required that the whole of the development be in a single ownership or built or financed by a single part, if satisfactory evidence is shown that parties financially or otherwise concerned in the development are legally bound to conform to the above required unified site plan and architectural scheme.

(D) *Entrances upon streets and highways.* All vehicular entrances and exits upon public roads shall be approved by the proper highway authorities.

(E) *Off-street parking.* Automobile parking space shall be provided on the premises with an area not less than three times that of the total floor space to be contained in the development.

(F) *Off-street loading and unloading space.* Off-street loading and unloading space shall be provided in addition to the space required by this chapter.

(G) *Boundary treatment.* No building shall be placed closer to any street or road line than 100 feet or closer to any other property line than 200 feet. No parking space shall extend nearer to any street or road line than the established building line or closer to any other property line than 50 feet, and the boundaries along all side and rear property lines abutting upon a Residential District shall be appropriately landscaped and maintained for a depth of not less than 50 feet. Where the shopping center area is directly adjoined by land in a Business or Industrial District or by a railroad right-of-way, buildings may extend to within 50 feet of the property line and automobile-parking space may extend to the property line.

5.8 Hotels, Motor Courts Or Motels

Hotels, motor courts or motels, where allowable under this chapter shall conform to the following requirements:

(A) Each rental structure shall contain at least eight rental units.

(B) Automobile parking space to accommodate not less than one car for each unit plus one additional space for every two persons regularly employed on the premises.

(C) Each rental unit shall be supplied with hot and cold running water and equipped with a flush toilet.

5.9 Public Garages and Motor Vehicle Service Stations

(A) No public garage or motor vehicle service station, or private garage for more than five cars shall have a vehicle entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street if the entrances are on the same side of the street or within the same square block.

(B) All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed, as to require all servicing on the premises and outside the public way, and no gasoline pump shall be placed closer to any side property line than 50 feet.

(C) No inoperative motor vehicles shall be kept on the premises of motor vehicle service stations for longer than two weeks.

(D) All waste material shall be stored within structure or enclosed within fencing so as not to be visible from off the property.

5.10 Temporary Uses and Structures

Temporary permits may be issued by the Planning Director for a period not exceeding one year, for nonconforming uses incident to housing and construction projects, including such materials, and a real estate office located on the tract being offered, for sale, if those permits are conditioned upon agreement by the owner or operator to remove the structure or structures upon expiration of the permit. Such permits may be renewed yearly upon application to the Planning Director for an additional period of one year.

5.11 Drive-In Business

Plans for the erection or structural alteration of drive-in business establishments as herein defined shall be submitted to the Plan Commission for approval. The Plan Commission may require such changes therein in relation to yards, driveways, driveway entrances and exits, and the location and height of buildings and enclosures as it may deem best suited to insure safety, to minimize traffic hazards or difficulties, and to safeguard adjacent properties.

5.12 Storage of Flammable Liquids

The storage of alcohol, gasoline, crude oil, liquefied petroleum gas or another highly flammable liquid in above ground tanks with unit capacity greater than 550 gallons shall be prohibited in all districts unless such tanks up to and including 10,000 gallon capacity are placed not less than 50 feet from all property lines and unless all such tanks of more than a 10,000-gallon capacity are placed not less than 100 feet from all property lines. All tanks having a capacity greater than 550 gallons shall be properly diked with earthen dikes having a capacity not less than 1 ½ times the capacity of the tank or tanks surrounded.

5.13 Private Swimming Pools as a Accessory Use

A private swimming pool installed or maintained as an accessory use in a residential district shall meet the following requirements:

(A) It shall be used only as an accessory use to a dwelling or to a special permit use in a Residential District for the private use of the owner or occupant of such dwelling or building or building and his or her family, guests, or employees.

(B) Any such pool which is installed less than 100 feet from any property line shall be completely enclosed by a security fence not less than four feet in height, with all gates or doors openings through such enclosure equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use of a type approved by the Planning Director.

(C) Such pool shall be maintained in a manner sufficient to meet the bacterial standards established by the provisions of the County Health Department and/or State Board of Health as relating to public swimming pools.

(D) Such pool shall be equipped with an integral filtration system and filter pumps and other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort, and repose of the occupant of any adjoining property.

(E) No permission shall be granted for the installation of any swimming pool until the owner has filed with the Planning Director a statement by a professional engineer, licensed by the state, that provisions for the drainage of such pool are adequate and will not interfere with the public water supply system or existing sanitary facilities.

5.14 Dwellings

(A) *Minimum floor area.* No single-family dwelling shall henceforth be constructed nor shall any existing single dwelling be reduced in area, so as to contain less than 500 feet of floor area useable for living purposes and 300 square feet of storage. No dwelling unit in a two-family or multiple-family dwelling shall henceforth be constructed

nor shall as existing dwelling unit in such building be reduced in area, so as to contain less than 600 square feet of floor area usable for living purposes and 100 square feet of floor are useable for storage purposes.

(B) *Slope of yards.* No building containing dwelling units shall henceforth be constructed, nor shall any existing building be altered so as to contain dwelling units unless the surface grade of the front yard at the front wall of such building be more than one foot above the established grade of the sidewalk. Where a sidewalk grade has not been established the surface grade of the front at the wall of the dwelling shall be not less than one foot above the center line of the street measured at the midpoint between the side lot lines of the lot. Where there is unusual difficulty in meeting this provision, the Planning Director may accept a substitute gradient if no minus gradient is established within 15 feet of the front wall or within six feet of either side of the rear wall of the dwelling.

5.15 Mobile Home Park

(A) A mobile home park may be allowed in the R 1, and R 2 Districts as a special exception.

(B) No mobile home shall be parked and occupied in any district outside an approved mobile home court for more than 48 hours except upon a special permit by the Planning Director. Such permit shall be issued for a period not to exceed 30 days and shall not be renewable within the same calendar year.

(C) As an exception to the above, a permit may be issued for parking and occupying a mobile home on land owned by the occupant or occupants, during the construction of a house thereon for a period not exceeding 180 days and shall be renewable for an additional period not exceeding 180 days. However, if material progress with house construction is not made within 45 days, such permit shall become void.

(D) A mobile home park shall be at least five acres in size and have spaces for at least five mobile homes. Each mobile home space shall be at least 3,000 square feet with a minimum width of 40 feet and a minimum depth of 75 feet. No part of a mobile home, including expansion units, shall be closer than ten feet to the edge of the space provided. The total number of mobile home lots shall not exceed eight per gross acre. Off-street parking, consisting of one space for each mobile home, shall be provided.

(E) When submitting the special exception application, the applicant shall include a plan, drawn at the suitable scale, showing the arrangement of the mobile home sites and connecting driveways, if any, in the proposed mobile home park. The layout plan shall be approved by the Plan Commission as part of the special exception review. The applicant shall also present a written statement, with accompanying plans as necessary, describing how water and sewage disposal service are to be provided. These arrangements shall be approved by the County Health Department and/or State Board of

Health, the City of Scottsburg, and the Scott County Regional Sewer District before a special exception is approved.

(F) The following minimum requirements shall apply:

(1) No mobile home shall be nearer than 100 feet to the right-of-way line of any thoroughfare.

(2) A dense green belt of evergreen trees and/or shrubs, not less than six feet high after three full growing seasons and which maturity is not less than 12 feet high, shall be located and effectively maintained at all times along all park boundary lines except at established entrances and exits serving the park.

(3) Each park shall provide a recreational area or areas equal in size to at least 8% of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

(4) Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted if:

(a) They are subordinate to the residential character of the park;

(b) They are located, designed and intended to serve only the needs of persons living in the park;

(c) The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and

(d) The establishment shall present no visible evidence of their commercial nature to areas outside the park.

(5) Each park shall provide either one central waterproof structure available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.

(6) All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

(7) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

5.16 Mobile Home Location

In urban or urbanizing areas (all districts except A) except as a temporary use, mobile homes shall be permitted to be occupied only in mobile home parks. Planning Director may permit mobile homes in RR districts subject to the following conditions:

(A) Each mobile home shall be located on a lot and shall be the only principal building on the lot.

(B) The minimum lot size, minimum yard size, and other single-family dwelling requirements of the A District are complied with.

(C) Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical designed for and attached to appropriate external systems.

(D) Personal goods and articles, other than cars, fuel tanks, boats, lawn furniture and similar items too large to reasonably enclose, shall be stored on the mobile home lot only in a completely enclosed structure.

(E) All health and sanitary regulations of the County Health Department and/or the State Board of Health, the Scott County Regional Sewer District, and the City of Scottsburg are complied with.

(F) A temporary permit of record is issued by the Planning Director for a mobile home subject to termination under the condition established in division (G) below.

(G) When the area within which the lot is located is rezoned to a residential, business or manufacturing district, the mobile home shall be removed from the new district within 180 days after the rezoning.

5.17 Compact Home Requirements

In any district in which compact homes are permitted, the following minimum requirements shall apply:

(A) Each compact home shall be located on a lot and shall be the only principal building on the lot.

(B) A compact home shall comply with the minimum lot size, minimum yard size and other single family dwelling requirements of the district in which it is located.

(C) The wheels shall be removed from each compact home.

(D) All compact homes site shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage as approved by the Planning Director.

(E) Each compact home shall be oriented on the lot in such a manner as is most compatible with other dwellings in the immediate neighborhood.

5.18 Storage of Mobile Home and Recreational Vehicles

(A) Storage of a continually unoccupied mobile home is permitted in districts G B and I only.

(B) Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard is permitted in all districts.

5.19 Mobile Home Subdivision

In any district in which mobile home subdivisions are permitted, the following minimum requirements shall apply:

(A) When submitting the special exception application, the applicant shall include a plan, drawn at a suitable scale, showing the arrangement of the mobile home sites and connecting driveways, if any, in the proposed mobile home subdivision. The layout plan shall be approved by the Plan Commission as part of the special exception review. The applicant shall also present a written statement with accompanying plans as necessary, describing how water and sewage disposal service are to be provided. These arrangements shall be approved by the County Health Department and/or State Board of Health, the Scott County Regional Sewer District, and the City of Scottsburg before a special exception is approved.

(B) The minimum area of a mobile home subdivision shall be five acres.

(C) The wheels shall be removed from each mobile house occupying a lot in the subdivision.

(D) Each mobile home shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage as approved by the Planning Director.

(E) Each mobile home occupying a lot in the subdivision shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for and attached to appropriate external systems.

(F) A dense green belt of evergreen trees and/or shrubs not less than five feet high after one full growing season and which at maturity is not less than ten feet high, shall be provided by the subdivider along all subdivision boundary lines except at established street entrances and exits serving the subdivision.

(G) The minimum residential lot sizes in subdivisions served by a public sewer system shall be 4,800 square feet and the minimum lot width 45 feet.

(H) The minimum residential lot area and width in subdivisions served by septic tanks shall be the same as required for single-family dwellings in the district in which the mobile home subdivision is located.

(I) Each mobile home shall have a minimum ten feet side yard on each side. Side yard means the area extending between the outside wall of the mobile home and the nearest side lot line.

(J) The minimum front yard setback for single-family dwellings of the district in which the subdivision is located shall be adhered to by each mobile home.

5.20 Recreational Vehicle Parks

In any district in which recreational vehicle parks are permitted the following minimum requirements shall apply:

(A) Recreational vehicle parks shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park.

(B) Conditions of soil, ground water level, drainage, geologic structure and topography shall not create hazards to the park site or the health and safety of occupants, nor shall the site be subject to hazards or objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding or severe erosion.

(C) The density of a park shall not exceed 25 recreational vehicle spaces per acre of gross site area.

(D) Recreational vehicles shall be separated from each other and from other park buildings or structures by at least ten feet.

(E) In addition to complying with any required side or rear yard provisions of the district in which the park is located, no recreational vehicle space shall be nearer than 50 feet to the right-of-way line of an arterial or major thoroughfare or nearer than 25 feet to the right-of-way line of a minor thoroughfare, and where the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley, a yard of at least 25 feet in width shall be required.

(F) At least one centrally located recreational area equal in size to 8% of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas and park service facility areas shall not be included in the required recreational area.

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(G) In the A district, food stores, restaurants, sporting goods, laundromats, dry-cleaning pickup stations and similar convenience and service shops shall be permitted in recreational vehicle parks containing 50 or more spaces provided:

- (1) Such shops and the parking areas required by their use shall not occupy more than 10% of the total area of the park;
- (2) The use of such shops shall be solely be the occupants of the park; and
- (3) Such shops shall be so located or designed within the park to present no visible evidence of their commercial nature to persons outside the park.

(H) Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

(I) A dense green belt of evergreen trees and/or shrubs, not less than six feet high after one full growing season and which at maturity is not less than 12 feet high, shall be located and effectively maintained at all times along all park boundary lines where deemed necessary by the Board of Zoning Appeals to protect occupants from adverse influences outside the park or nearby neighborhoods from adverse effects of the park.

(J) Recreational vehicle spaces shall be rented by the day or week only and each recreational vehicle occupying a space shall remain in the same park no longer than 30 days.

Article Six

Development Plans

6.1 Intent

The purpose of these regulations is to encourage innovative and creative design within the spirit and intent of the Comprehensive Plan and this Ordinance in areas with special characteristics and opportunity.

6.2 Development Plan Required

A. A development plan is required in the following districts.

- R 1
- R 2
- L B
- G B
- I
- F P

6.3 Development Plans Generally

- A. Development requirements per district are located in Sections 6.4 through 6.5. When considering filing a development plan petition, it is suggested that these requirements be reviewed first.
- B. After the development requirements per district have been reviewed, the basic process for development plan approval is described in Section 6. Plan Commission will review all development plans unless stated otherwise in this Article.

6.4 R 1, R 2, and F P Districts

Intent: To promote innovative and creative design in residential districts in order to further enhance the quality of life for citizens of Scott County.

- A. In proposed developments with less than three (3) primary structures, development plan review is delegated to the Planning Director.
- B. In proposed developments with three (3) or more primary structures, the Plan Commission must review the development plan.
- C. The applicant is required to provide the following information at the time of filing for development plan approval in these Districts.
- Site Plan (see Section 6.9 for more information)
 - Building Elevations (see Section 6.10 for more information)
 - Sign Plan (see Section 6.11 for more information)
 - Lighting Plan (see Section 6.12 for more information)
 - Landscape Plan (see Section 6.13 for more information)
 - Tree Preservation (see Section 6.14 for more information)

- D. In order to receive development plan approval, the applicant must satisfy all of the development standards of the proper district (R 1 or R 2). In addition, the following development standards apply.
- a. *Signage:* All signs must be designed to create a unified and consistent sign package for the development.
 - b. *Interior private roads:* Interior private roads must meet construction criteria for public roads as set forth in the Subdivision Control Ordinance.
 - c. *Traffic Management:* The design and location of proposed street access points must minimize congestion. The entrances, streets and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. Additional driveways may be required to ensure safe emergency access based on fire department and city/county engineer review.
 - d. *Traffic circulation pattern:* The design and layout of the development must have a clear circulation pattern that is sensitive to topography and other natural features.
 - e. *Pedestrian Access:* The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land uses. This includes a sidewalk along adjacent streets(s). The Plan Commission may determine that an alternative to a sidewalk along adjacent street(s) better serves the purpose of connecting commercial destinations.
 - f. *Lighting:* All lighting must be designed to create a unified and consistent lighting package for the development. Lighting standards in parking areas may not exceed twenty (20) feet in height. All lighting must be Metal Halide, have cutoff luminaries (shielded down lighting), and be consistent with the architectural style of the primary building.
 - g. *Variation in housing type:* In order to prevent monotony, at least every third structure must vary the housing type/design.
 - h. *Open Space:* Developments that are four (4) or more acres must have a minimum of ten percent (10%) of the total lot area developed as recreational open space. Open space shall be configured for the activity for which it is designed. Additional recreational open space requirements are as follows:
 1. At least seventy-five percent (75%) of the open space created must consist of tracts of land at least fifty (50) feet wide.
 2. The open space shall be accessible to all owners or residents within the development or project and their guests by way of sidewalk or other finished footpath.
 3. If the development or project is adjacent to a city park facility a direct linkage to such park shall be provided.

- i. *Additional Space for the MP District:* The minimum dwelling site size may be reduced provided that the amount the site size is reduced is devoted to recreational open space and the dwelling site size is not less than 3200 square feet.
- B. In order to further encourage innovative building designs capable of enhancing the quality of the built environment in higher density residential districts, the Plan Commission or Planning Director (depending on who reviews the proposal) may grant a waiver of any landscaping or setback standards outlined in Article Seven. In order to grant this waiver the Plan Commission or Planning Director must find that the proposed development:
 - Displays an innovative use of sign design, building design, building materials, site design features, open space or landscaping that will enhance the use and value of neighboring properties; and
 - Is consistent with the intent of the subject zoning district.
- C. The Plan Commission or Planning Director (depending on who reviews the proposal) must make written findings concerning each decision to approve or disapprove a development plan. In order to approve a development plan in these districts the Plan Commission or Planning Director must find that the proposed development plan:
 - a. Is consistent with the Comprehensive Plan,
 - b. Is consistent with the intent of the District, as described in Article Three, and
 - c. Satisfies the development requirements specified in this Article.

6.5 G B and L B Business Districts and I Industrial District

Intent: To promote innovative and creative design along major corridors in Scott County; To minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter and proliferation of access points; To ensure commercial development is compatible with its surrounding areas; and, To strengthen the quality of life through design that contributes to the unique character of Scott County.

- A. The following information is required at the time of filing for development plan approval in this District. Detailed descriptions of what is required on these plans is provided later in this Article.
 - Site Plan (see Section 6.9 for more information)
 - Building Elevations (see Section 6.10 for more information)
 - Sign Plan (see Section 6.11 for more information)
 - Lighting Plan (see Section 6.12 for more information)
 - Landscape Plan (see Section 6.13 for more information)
 - Tree Preservation Plan (see Section 6.14 for more information)
- B. In order to receive development plan approval the applicant must satisfy all of the development standards of the G B, L B, and I Districts. In addition, the following development standards apply.
 - a. *Signage:* All signs must be designed to create a unified and consistent sign package for the development. Signs may not be

constructed of materials that are inferior to the principal materials of the building and landscape.

- b. *Outdoor Storage:* No un-screened outdoor storage is permitted.
- c. *Mechanical Equipment:* All mechanical equipment must be screened by vegetation, fencing or a building feature (i.e. a parapet). Screening must eliminate the sight of mechanical equipment from any spot within four hundred (400) feet of the mechanical equipment.
- d. *Lighting:* All lighting must be designed to create a unified and consistent lighting package for the development. Lighting standards in parking areas may not exceed twenty (20) feet in height. All lighting must be Metal Halide, have cutoff luminaires (shielded down lighting), and be consistent with the architectural style of the Primary Building.
- e. *Roof:* Roofs must be a gable design with slopes between fifteen (15) and forty-five (45) degrees. Multiple roof planes are encouraged.
- f. *Traffic Management:* The design and location of proposed street access points must minimize congestion. The entrances, streets and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. Shared driveways and internal connections to adjacent sites are required wherever feasible.
- g. *Pedestrian Access:* The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land. This includes a sidewalk along adjacent street(s) better serves the purpose of connection commercial destinations.
- h. *Facades greater than one-hundred (100) feet in length:* In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards apply for facades greater than one-hundred (100) feet in length. A standardized prototype design must be modified if necessary to meet the provisions of this Article.
 1. No wall that faces a street or connecting walkway may have a blank, uninterrupted length exceeding one-hundred (100) feet without including at least two (2) of the following design elements:
 - change in place (recess or projection),
 - changed in texture or masonry pattern,
 - windows, or
 - an equivalent element that subdivides the wall into human scale proportions.

2. Any change in wall plane such as projections or recesses must have a depth of at least three (3) percent of the length of the façade.
 3. Building facades must include a repeating pattern that includes color change and texture change. At least one (1) element (texture or color change) must repeat horizontally. Both elements must repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
 4. Overhanging eaves must extend no less than three (3) feet past the supporting walls must be provided.
- i. *Facades less than one-hundred (100) feet in length:* In order to add architectural interest and variety and avoid the effect of a single, long, or massive wall with no relation to human size, the following additional standards apply for facades less than one-hundred (100) feet in length. A standardized prototype design must be modified if necessary to meet the provisions of this Article.
1. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least two (2) of the following: change in plane (recess or projection), change in texture or masonry pattern, windows, treillage with vines, or an equivalent element that subdivides the wall into human scale proportions.
- j. *Facades Generally:* The building façade facing any adjacent street must have a finished façade. No loading docks or trash collection bins may be placed on or along the facades that face any adjacent street.
- k. *Entrances:* Each establishment on a site shall have clearly defined, highly visible customer entrances featuring at least (2) of the following:
- canopies or portcos,
 - recesses/projections,
 - arcades,
 - peaked roof forms,
 - arches,
 - display windows, or
 - architectural details such as time work and moldings which are integrated into the building structure and design.
- l. *Central Features and Community Space:* Proposed developments or projects that include over one-hundred fifty thousand (150,000) square feet comply with the following standards. This square footage requirement applies to any combination of buildings or lots in a cohesive commercial project or development.

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1. Each development or project must contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following:
 - patio/seating area,
 - pedestrian plaza with benches,
 - transportation center (bus station, etc.),
 - window shopping walkway,
 - outdoor playground area,
 - water feature,
 - clock tower, or
 - other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Plan Commission, adequately enhances the development’s community and public spaces.
 2. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- C. The Plan Commission may increase the maximum amount of parking permitted in front of the primary structure under the following conditions:
- a. If the applicant adds landscaping, additional greenspace, berms and/or walkways to better screen and/or break up the visual appearance of a large parking lot from the street.
 - b. The Plan Commission must find that the visual impact of additional parking is lessened in direct correlation to the amount of additional parking area.
 - c. The Plan Commission must find that this waiver of development requirements complies with the spirit and intent of the Comprehensive Plan.
- D. In order to further encourage innovative building designs capable of enhancing the quality of the built environment along key commercial corridors, the Plan Commission may grant a waiver of any landscaping, sight or setback standards. In order to grant this waiver the Plan Commission must find that the proposed development:
- Displays an innovative use of sign design, building design, materials, site design features or landscaping that will enhance the use and value of neighboring properties.
- E. The Commission must make written findings concerning each decision to approve or disapprove a development plan. To approve a development plan in this district, the Plan Commission must find that the proposed development plan:
- a. Is consistent with the Comprehensive Plan;
 - b. Is consistent with the intent of the represented District; and,
 - c. Satisfies the development requirements specified in this Article.

6.6 Development Plan Approval Process

- A. The applicant is encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development thereof.
- B. No later than fifteen (15) days after the Planning Director has received the conceptual site plan and other data, he/she will return a copy of said plan to the applicant with recommendations.
- C. All development plan petitions shall:
 - a. Be filed at least thirty days (30) prior to the initial public hearing at which they are to be considered by the Plan Commission.
 - b. Specify approvals requested. Any items, including requests for waiver of development requirements in connection with a development plan approval, even if indicated on the proposed plans, may not be considered a part of the request presented to the Plan Commission unless such requests are specified in the petition.
 - c. Include all relevant plan and documentation as required below.
- C. Development plan petitions shall undergo drainage review by the Scott County Drainage Board **prior** to the development plan approval.
- D. Utility Availability Letters must accompany development plan petitions. The applicant must review the development plans with parent utility companies that will provide water, sanitary sewer, and electric service to the development. The availability letters must state that the utility company has available facilities to serve the development.
- E. Any development plan approval the Plan Commission reviews shall have a public hearing. Notification of public hearing will be as outlined in Article 9, Section 9.2 of this Ordinance.
- F. The Plan Commission shall either approve or disapprove the proposed development plan petition.
- G. The Plan Commission may impose conditions or require written commitments as a condition of approval if they are reasonably necessary to satisfy the development requirements specified in this Article.
- H. The Plan Commission may provide that an approval of a development plan petition is conditional on the applicant/developer furnishing a surety that guarantees the timely completion of a proposed public improvement in the development plan petition. The surety must be in an amount satisfactory to Plan Commission.
- I. The Plan Commission will make written findings concerning each decision to approve or disapprove a development plan. The Planning Director is responsible for signing written findings of the Plan Commission.

6.7 Development Plan Approval Process for Petitions Delegated to the Planning Director

- A. Applicants are encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development thereof.
- B. No later than fifteen (15) days after the Planning Director has received the conceptual site plan and other data, he/she will return a copy of the plan to the applicants with recommendations.
- A. All development plan petitions shall:
 - a. Specify approvals requested. Any items, including requests for waiver of development requirements in connection with development plan approval, even if indicated on the proposed plans, may not be considered a part of the request presented to the Planning Director unless such requests are specified in the petition.
 - b. Include all relevant plan and documentation as required in this Article.
- B. The Planning Director may refer the proposed development to the Plan Commission if, because reason of location, design, intensity or other element related to the proposal, the Planning Director decides the full Commission review is warranted. Upon referral to the Plan Commission, the petition will follow the process set forth in Section 6.6.
- C. Development plan petitions shall undergo drainage review per the Scott County Drainage Board **prior** to development plan approval.
- D. Any development plan approval which has been delegated to the Planning Director may occur without public notice and without a public hearing.
- E. The Planning Director will have thirty (30) days from the date of filing to approve or disapprove a development plan petition in writing.
- F. Any interested party may appeal the decision of the Planning Director to the Plan Commission within thirty (30) days of the written decision.
- G. The Planning Director may impose conditions or require written commitment as a condition of approval, if the conditions are reasonably necessary to satisfy the development requirements specified in this Article.
- H. The Planning Director may provide that an approval of development plan is conditioned on the furnishing of a surety that guarantees the timely completion of a proposed public improvement in the proposed development and is in an amount satisfactory to the Planning Director.
- I. The Planning Director shall make and sign written findings concerning each decision to approve or disapprove a development plan.

6.8 Amendments and Minor Modifications

- A. The applicant may amend the development plan prior to a vote by the Plan Commission. If the Plan Commission feels that the proposed amendment needs additional time for review; the Plan Commission may continue the consideration until the next Plan Commission Meeting.
- B. The applicant may amend the development plan anytime prior to determination by the Planning Director. If the Planning Director feels that

the proposed amendment needs additional time for review; the amended development plan may be considered a new filing and reviewed within the time frame set forth above for the review of development plans by the Planning Director.

- C. Minor Modifications to an approved development plan may be approved by the Planning Director if the modification is in the spirit and intent of the overall development and does not involve:
- an increase in height, area, bulk or intensity of land uses,
 - the designation of additional land uses,
 - the reduction of buffer yards,
 - the addition of driveways or access points, or
 - the reduction of parking for any use.
- D. The Planning Director shall report in writing to the Plan Commission the authorized minor modifications. Any interested party may appeal a decision of the Planning Director regarding the minor modification of an approved development plan to the Plan Commission within thirty (30) days of the decision.

6.9 Site Plan

A site plan submitted in pursuit of development plan approval shall be drawn to a scale of not more than 1”=100’ and shall include the following information. The Planning Director at his/her discretion may waive or relax any of the site plan requirements below, as circumstances dictate.

- A. Description:
- a. Name and address of the applicant.
 - b. Proof of ownership.
 - c. Proposed name of development (if applicable).
 - d. Address of the site.
 - e. Legal description of the real estate.
 - f. Name and address of land surveyor and/or licensed engineer.
 - g. Legend and notes, including a graphic scale, north point, and date.
- B. Existing and Proposed conditions:
- a. Boundary line of site indicated by a solid heavy line including all dimensions of the site.
 - b. Layout, number and dimensions of lots.
 - c. Building setback lines.
 - d. Location and dimensions of all existing structures including paved areas.
 - e. Location and dimensions of all proposed structures including paved areas indicated by crosshatching.
 - f. Layouts of existing and proposed streets, alleys and access easements; including their names, within two-hundred (200) feet of the development. The names of streets shall conform so far as practicable to the names of streets on the same approximate alignment existing in the vicinity of the development.

- g. Location of any proposed and existing driveway and its width at the lot line.
- h. All proposed improvements to the street system both on and off-site.
- i. Measurement of curb radius and/or taper.
- j. Parcels of land proposed to be dedicated or temporarily reserved for public use or set aside for use in the development such as parks, recreation, conservation areas, wetlands, etc., which shall be designated and labeled as such including dimensions.
- k. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development.
- l. The species and caliper size at breast height of all trees over six (6) inch caliper and all flowering trees and shrubs over six (6) feet in height.
- m. All trees and/or shrubs to be preserved. These shall be marked “Do Not Remove” (“DNR”). Care should be taken to attempt to preserve all trees with a caliper size of twenty-four (24) inches at breast height or greater.
- n. Location of orange construction fencing that is required to be installed during construction around the dripline of each tree to be preserved that is marked “DNR”.
- o. Location, width and purpose of existing and proposed easements.
- p. Use of each structure including parking labeled with approximate density or size. For example, number of parking space required and provided, gross floor area of office or retail space (labeling whether office or retail).
- q. Structures designated to be razed shall be indicated as such.
- r. Distance of all structures including parking from the front, rear and side lot lines. This distance is measured from the point where the structure is closet to the lot line.
- s. Any other information requested in writing by the Plan Commission or the Planning Director.

6.10 Building Elevation Data

Building elevations submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the building elevation requirements below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
- B. Proposed conditions:
 - a. Elevations for each façade of the building.

- b. Type of building materials to be used for all wall, window, roof and architectural features shall be specified.
- c. Proposed colors for all materials and features shall be specified.
- d. Any other information requested in writing by the Plan Commission or the Planning Director.

6.11 Sign Plan Data

Sign plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the sign plan requirements below, as circumstances dictate.

- A. Description
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
- B. Existing and Proposed conditions:
 - a. A site plan indicating the location of any existing and proposed freestanding or ground signs.
 - b. Elevations of proposed signs including size, materials, color and illumination details.
 - c. Placement, size, color and illumination details for any existing or proposed wall, projecting or window sign.
 - d. Any other information requested in writing by the Plan Commission or the Planning Director.

6.12 Lighting Plan Data

Lighting plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the lighting plan requirements below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary Lines of the site,.
- B. Existing and Proposed conditions:
 - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
 - b. Location of all floodway and floodway fringe areas within site.
 - c. Existing elevations and proposed contour lines at two (2) foot intervals
 - d. Proposed sidewalk or pedestrian ways
 - e. Size, species and spacing (on center) of all proposed landscaping material
 - f. Location of any existing and proposed freestanding or ground signs.
 - g. Any other information requested in writing by the Plan Commission or the Planning Director.

- C. Preparation of plans by a landscape architect is encouraged.

6.13 Landscape Plan Data

Landscape plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the landscape plan requirements below, as circumstances dictate.

- A. Description
 - a. Proposed name of development (if applicable).
 - b. Address of site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary Lines of the site.
- B. Existing and Proposed conditions.
 - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
 - b. Location of all floodway and floodway fringe areas within the site.
 - c. Existing elevations and proposed contour lines at two (2) foot intervals.
 - d. Proposed sidewalk or pedestrian ways.
 - e. Size, species and spacing (on center) of all proposed landscaping material.
 - f. Location of any existing and proposed freestanding or ground signs.
 - g. Any other information requested in writing by the Plan Commission or the Planning Director.
- C. Preparation of plans by a landscape architect is encouraged.

6.14 Tree Preservation Plan Data

Tree Preservation plans in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the tree preservation requirements below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary lines of the site including all dimensions of the site.
- B. Existing and Proposed conditions:
 - a. Survey all existing vegetation on site indicating species and caliper size at breast height.
 - b. All trees and/or shrubs to be preserved. These shall be marked “Do Not Remove” (“DNR”). All trees and shrubs that are not within twenty (20) feet of the footprint of any structure must be preserved. This requirement may be reduced upon approval of the Planning Director. The Planning Director may also reduce this requirement to allow for parking areas provided no other open areas exist already that could accommodate parking.

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- c. Description of methods to preserve trees without injury and with sufficient area for the root system to sustain the tree.
- d. Description of protective care and physical restraint barriers at the drip line to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork.
- e. Location of orange construction fencing that is required to be installed around the dripline of each tree to be preserved that is marked “DNR” during construction.

Article Seven

Nonconforming Structures, Lots, and Uses

7.1 Intent

Upon adoption of this Ordinance and Zoning Map, some buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District in which they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as Legal-Nonconforming (Grandfathered).

7.2 Distinction Between Illegal-Nonconforming and Legal-Nonconforming

A building, structure, or lot which was constructed or is being used without an approved Building Permit, Improvement Location Permit or approval from the BZA or Plan Commission is considered illegal-nonconforming. An illegal-nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable Municipal law and shall be altered to conform with all applicable standards and regulations of this Ordinance. Further, an illegal-nonconforming building, structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal-Nonconforming differs from Illegal-Nonconforming (illegal) in that the reason for the nonconformance is caused by a change to the Zoning Ordinance. The building, structure, lot or use has not changed, but due to the Ordinance change, the property no longer conforms to the policies and standards of the Zoning District in which the property resides. When this situation occurs, the property is deemed Legal-Nonconforming or another term commonly used is “Grandfathered.”

7.3 Nonconforming Buildings and Structures

- A. Any continuously occupied, lawfully established structure or building prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the design standards due to the reasons listed below shall be deemed a Legal-Nonconforming Building or Structure.
- B. Legal-Nonconforming Building(s) or Structure(s) no longer meet one (1) or more of the following development standards of this Ordinance:
 - Front, Side and Rear Yard Setbacks,
 - Maximum Lot Coverage,
 - Minimum Main Floor Area,
 - Minimum Finished Floor Area,
 - Height,
 - Temporary Structures,
 - Landscaping,
 - Parking,

- Accessory Structures, or
 - any other provision of this Ordinance that is applicable to the building or structure.
- C. A Legal-Nonconforming building or structure may continue provided that it remains the same or fits within the below described tolerances:
- a. Any Legal-Nonconforming building(s) or structure(s) shall not be enlarged or altered in a manner that increases its nonconformity but any building(s) or structure(s) or portion thereof may be altered to decrease its nonconformity.
 - b. Any Legal-Nonconforming building or structure which is damaged or destroyed by more than sixty-six percent (66%) of its fair market value shall thereafter conform to the regulations of the district in which it is located.
 - c. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.

7.4 Nonconforming Lots of Record

- A. All legally established and recorded lots prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed a Legal-Nonconforming Lot of Record. A Legal-Nonconforming Lot of Record no longer meets one (1) or more of the following lot standards of this Ordinance:
- Lot Area,
 - Lot Width,
 - Lot Depth,
 - Lot Frontage, or
 - Any other provision of this Ordinance that is applicable to Lots.
- B. Legal-Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable Zoning District of this Ordinance are met.

7.5 Nonconforming Uses of Structures and Land in Combination

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal-Nonconforming Use. A Legal-Nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. No existing structure devoted to a Legal-Nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it:
- a. complies with section 7.5 D for limited and small expansions, or
 - b. changes the use of structure to a use permitted in the district in which it is located, or
 - c. changes the use to a less intensive Nonconforming Use and is approved by the Planning Director or Planning Commission.

- B. No building or structure shall be constructed in connection with an existing Legal-Nonconforming use of land.
- C. Any Legal-Nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- D. In the case of a Legal-Nonconforming use of structure, the structure may be expanded two times only. Each of the two expansions may not exceed ten percent (10%) of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a variance of developmental standards is received from the Board of Zoning Appeals.
- E. If no structural alterations are made, a Legal-Nonconforming use of structure or structure in land in combination may be changed to another Legal-Nonconforming use, provided that the Planning Director shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing Legal-Nonconforming use. However, if the new construction requires more parking or loading area than the previous use, such new use will comply with the requirements of Section 5 and Section 5.1 and Section 5.2 of this Ordinance, unless a variance from a developmental standards is granted by the Board if Zoning Appeals.
- F. If a Legal-Nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance.
- G. When a Legal-Nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, the Legal-Nonconforming use may not thereafter be resumed.
- H. Where a Legal-Nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming structure of the land. Destruction is defined as damage of more than sixty-six percent (66%) of its fair market value at the time of destruction.

7.6 Nonconforming Signs

Any sign lawfully existing on the effective date of this Ordinance, or amendment thereto, that does not conform to all the standards and regulations of this Ordinance and has been registered within the allotted time period as described in 7.7 of this Article is considered a Legal-Nonconforming sign. The following applies to registered Legal-Nonconforming signs.

- A. Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be legally nonconforming.
- B. All Legal-Nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever to the

extent of fifty percent (50%) or more of the fair market value of the sign structure, said signs shall then be made to conform to this ordinance.

7.7 Repairs and Maintenance

The following applies to Legal-Nonconforming structures or buildings, and Legal-Nonconforming uses of structures, or structures and land in combination.

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the square footage and volume of usable space existing when the structure became nonconforming shall not be increased.
- B. If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition; the building or structure shall be restored, repaired, or rebuilt within six (6) months of the declaration. If the improvements have not been made within six (6) months, all future improvements must conform to all standards and regulations within this ordinance.
- C. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the building or structure shall be rebuilt in conformity with the district in which it is located.
- D. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

Article Eight

Administration

8.1 Administrative Officer

The Planning Director will have the principal responsibility for administration and enforcement (or coordination of enforcement) of this Ordinance within the Plan Commission’s planning jurisdiction.

8.2 Effect on Annexation or Vacation on Zoning

- A. After the effective date of this Ordinance, areas annexed by the City of Scottsburg shall retain the Zoning District prior to annexation. If the Zoning District of the subject property(ies) does not exist in this Scott County Zoning Ordinance, the district most similar to its current district will be applied.
- B. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the Zoning Districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Zoning Districts. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the Planning Director.

8.3 Summary of Powers and Duties of the County Commissioners and City Council

The powers and duties of the County Commissioners and City Council are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

- A. Duties:
 - a. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
 - b. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission.
 - c. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
 - d. Adopt, reject or amend a Fee Schedule that has been proposed or amended and submitted by the Plan Commission.
 - e. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the

extent of the local Resolutions, Ordinances, and State of Indiana Law.

- f. Other duties as permitted by Indiana State Code.
- B. Powers:
 - a. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance by making said proposal to the Plan Commission.
 - b. Initiate amendments to the Official Zoning Map by making said proposal to the Plan Commission.
 - c. Other powers as permitted by Indiana State Cods

8.4 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

- A. Plan Commission Duties:
 - a. Adopt and maintain a County Commissioners and City Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law.
 - b. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance.
 - c. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
 - d. Record and file bonds and contracts for development and land use functions.
 - e. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
 - f. Adopt and maintain a permitting process and seal used to certify official or approved documents.
 - g. Certify and submit recommendations to the County Commissioners and City Council including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, and Official Zoning Map.
 - h. Maintain monetary and fiscal records of the Plan Commission.
 - i. Prepare and submit an annual budget to the County Commissioners.
 - j. Approve or deny development plats or replats of Subdivisions.
 - k. Approve or deny development plans and amendments to development plans.
 - l. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.

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- m. Establish and maintain a County Commissioners and City Council approved fee schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
 - n. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
 - o. Other duties as permitted by Indiana State Code.
- B. Plan Commission Powers:
- a. Delegate to a committee or person the role of Planning Director.
 - b. Hire, remove, and determine job descriptions for support staff (as necessary).
 - c. Establish advisory committees as necessary made up of County and City officials and the general public.
 - d. Establish an executive committee.
 - e. Seek funding assistance through grant programs as necessary.
 - f. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community.
 - g. Determine the compensation for support staff and members as provided within the budget submission to city council.
 - h. Other powers as permitted by Indiana State Code.

Article Nine

Processes, Permits, and Fees

9.1 Types of Permits

Scott County hereby requires that an application and filing fee be submitted for the following formal petitions:

- Variances (developmental standards of use),
- Special Exceptions,
- Administrative Appeals,
- Zoning Amendments (zoning map change/rezoning),
- Developments Plan Approval,
- Sign Permits, Permanent Signs,
- Sign Permits/Temporary Signs,
- Improvement Location Permits/Permanent,
- Improvement Location Permit/Temporary, and
- Certificates of Occupancy.

All applications may be obtained through the Planning Director’s office. Fees shall be paid at the Planning Director’s office at the time of assignment of a Docket Number.

9.2 Notification for Public Hearing

The following information pertains to processes that require a public hearing.

- A. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
- B. The party pursuing the request shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, all properties adjacent within two (2) properties deep of the subject lot boundaries within the planning jurisdiction and only directly adjacent properties if outside the planning jurisdiction.
- C. In addition, notice shall be posted by the applicant in a conspicuous place on the subject property at least ten (10) days prior to the date of the hearing. Notice signs will be provided and posted by the Planning Director.

9.3 Processes per Type of Petition

- A. Variances: The following procedure applies to Variance Petitions.
 - a. The applicant shall submit a variance application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 - b. The Board of Zoning Appeals (BZA) will then review:
 - The variance application,
 - Required supportive information,

- Testimony of the applicant, and
 - Testimony of the public.
 - c. The BZA may approve, deny or table the petition (the Board has discretionary powers). The BZA may add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with 36-7-4-900 et seq. and the requirements of this Ordinance.
 - d. The intensity of the variance may be reduced at the public hearing if approved by the BZA.
 - e. The Planning Director shall refuse to accept a petition for a variance within six (6) months of the date of denial when said petition involves the same subject matter. However, the Planning Director shall have the authority and discretion to determine that a petition containing major changes may justify re-filing with a six (6) month period.
- B. BZA approval of Development Standards Variances
- a. The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
 - 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - 2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - 3. the strict application of the terms of this Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
 - b. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the County Recorder's Office concerning the use of development of that parcel or may impose conditions upon that grant of variance.
 - c. A development standards variance granted by the Board shall run with the parcel unit such times as the property conforms with this Ordinance as written.
 - d. The Board of Zoning Appeals may enforce any condition and/or c commitment it has imposed as if it were a standard of this Ordinance.
- C. BZA approval of Use Variances
- a. The Board may grant a variance from use if, after a public hearing, it makes findings of facts in writing, that;
 - 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - 2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

3. the need for a variance stems from a condition unusual or peculiar to the subject property itself; and
 4. the strict application of the terms of this Ordinance will result in an unnecessary hardship if they were applied to the subject property; and
 5. the approval of the variance does not contradict the goals and objectives of the Comprehensive Plan.
 - b. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the County Recorder’s Office concerning the use of development of that parcel or may impose conditions upon that grant of variance.
 - c. A use variance granted by a Board may run with the parcel or applicant until such time as:
 1. the use of the variance ends, is vacated, or unused for three (3) months consecutively;
 2. the property conforms with the Ordinance as written; or,
 3. the property is sold.
 - d. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.
- D. Special Exceptions: The following procedure applies to Special Exception Petitions.
 - a. The applicant shall submit a Special Exception application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 - b. At their next regularly scheduled public meeting, the BZA shall then review:
 - The special exception application,
 - Required supportive information,
 - Testimony of the applicant, and
 - Testimony of the public.
 - c. The BZA may approve, deny, or table the petition. The BZA may add conditions to an approval.
 - d. The Planning Director shall refuse to accept a petition of a special exception within six (6) months of the date of denial when said petition involves the same subject matter. However, the Planning Director shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within a six (6) month period.
- E. BZA approval of Special Exceptions: To be eligible for the granting of a special exception under this section, a person must first receive a determination from the Planning Director that a special exception is required for the intended use, change of use or for the expansion, extension, or enlargement of a use.

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There shall be no cases or applications, nor any particular situation in which these rules authorize special exceptions without the approval of the BZA. Further, no previous applications shall set a precedence for any other application before the BZA.

- a. The Board may grant a special exception for a use in a district if, after hearing, it makes findings of facts in writing, that:
 1. the proposal will not be injurious to the public health, safety morals, and general welfare of the community;
 2. the requirements and development standards for the requested use as prescribed by this Ordinance will be met;
 3. granting the exception will not subvert the general purpose served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and,
 4. the proposed use will be consistent with the character of the district therein, the spirit and intent of this Ordinance, and the Scott County Comprehensive Plan.
- b. When considering a Special Exception the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 1. topography and other natural site features;
 2. zoning of the site and surrounding properties;
 3. driveway locations, street access and vehicular and pedestrian traffic;
 4. parking amount, location, design;
 5. landscaping, screening, buffering;
 6. open space and other site amenities;
 7. noise production and hours of operation;
 8. design, placement, architecture, and building material of the structure;
 9. placement, design, intensity, height, and shielding of lights;
 10. traffic generation; and
 11. general site layouts as it relates to its surroundings.
- c. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the above criteria will be served.
- d. The Board may permit or require the owner of the parcel of property to make a written commitment concerning the use of development of the parcel as specified under IC 36-7-4-921 and have such commitment recorded in the County Recorder's Office.
- e. The Board may limit special exceptions to a specific individual and/or a specific time period and for a specific use.
- f. A use authorized by special exception may not be changed, expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in these rules for granting a special exception.

- g. If the Board grants the special exception, it shall direct the applicant to apply for a Building Permit and/or an Improvement Location Permit within four (4) months or the special exception will be void. If such application complies with all Ordinances and rules, a Building Permit and/or an Improvement Location Permit for the use authorized by special exception shall be issued.
 - h. A special exception granted for a specific use ceases to be authorized and is void if that use is not 50% established within a twelve-month period of the date the special exception was granted. A special exception, granted for a specific use ceases to be authorized and is void if that use is discontinued at that site for a consecutive six (6) months.
 - i. A special exception may be terminated by the Board of Zoning Appeals as follows:
 - 1. Upon the filing of an application by an interested person or a member of the staff, and after which a public hearing is held with notice to the property owner; and,
 - 2. At the public hearing a finding is made by the Board that one or more of the following has not been complied with:
 - The terms of this Ordinance,
 - The conditions placed on approval, and
 - The written commitments made in conjunction with the original special exception application.
- F. Administrative Appeal: The following procedure applies to Administrative Appeal Petitions:
- a. The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.
 - b. The administrative official or body from the which appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
 - c. Administrative appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4.
 - d. At their next regularly scheduled public meeting, the BZA shall then review:
 - The written statement and supportive material submitted by the applicant;
 - The record of action supplied by the administrative official or body from which appeal is taken;
 - The testimony of the applicant; and
 - The testimony of the administrative official or body from which the appeal is taken.
 - e. The BZA may grant, deny, or table the appeal. The BZA may add conditions to any application which was approved at the appeal stage.

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- G. Zoning Amendments: The following procedure applies to Zoning Amendments Petitions (zoning map/rezoning).
- a. The applicant shall submit an application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting.
 - b. The Plan Commission will then review the application and required supportive information. The Plan commission may recommend approval, recommend denial or table the petition.
 - c. If the petition has not been taken tabled, it will then be forwarded to the County Commissioners and/or the City Council for review. The County Commissioners and/or the City Council will review the application, required supportive material and Plan Commission recommendation. The Commissioners and/or Council may approve, deny or table the petition.
 - d. Upon reviewing a zoning amendment petition the following should be considered:
 - The Comprehensive Plan.
 - Current conditions and character of structures and uses in each district.
 - The most desirable use for which the land in each district is adapted.
 - The conservation of property values throughout the jurisdiction.
 - Responsible development and growth.
- H. Development Plans: The following procedure applies to Development Plan Petitions. For more detailed procedure information, refer to Article Ten of this Ordinance.
- a. The applicant shall submit an application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting.
 - b. The Plan Commission will then review the application and required supportive information. The Plan Commission may approve, deny or table the petition.
 - c. If Development Plan approval is delegated to the Planning Director, the Planning Director will have thirty (30) days from the date of filing to approve or disapprove a development plan petition in writing. Any interested party may appeal the decision of the Planning Director to the Plan Commission within thirty (30) days of the written decision.
 - d. The Plan Commission or Planning Director may impose conditions or require written commitments as a condition of approval, if the conditions are reasonably necessary.
 - e. The Plan Commission or Planning Director shall make written findings concerning each decision to approve or disapprove a

development plan. The Planning Director shall be responsible for preparing and signing written findings of the plan commission.

I. Sign Permits for Permanent Signs: The following procedures applies to Sign Permit Petitions for Permanent Signs.

- a. An application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required by the Planning Director to assure compliance with the laws and regulations of the City, Including:
 - Name and address of the property owner of premises on which the sign is located or is to be located.
 - Name and address of the owner of the sign.
 - Clear and legible drawings with description showing the dimensions of the proposed sign and its proposed location.
 - The sign and location of all signs on the same parcel or owned by the same business.
- b. An application for a permit shall be reviewed and approved by the Planning Director.
- c. The permit fee as specified by the Official Fee Schedule shall be delivered to the Building Commissioner or Planning Director. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this code and penalties prescribed herein.
- d. A sign permit issued under the provisions of this Ordinance shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
- e. A sign permit shall become null and void if work has not been started within twelve (12) months of the date of the permit or completed within eighteen (18) months of the date of the permit.
- f. The following shall not be considered as creating a sign and therefore shall not be required to have a sign permit unless other specified.
 1. Changeable Copy – The changing of advertising copy of messages on an approved sign such as a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 2. Maintenance – Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structure change is involved, or a change in copy is involved.
 3. Exempt Signs – exempt signs as described in Section 5.5.

J. Sign Permits for Temporary Signs: The following procedure applies to Sign Permit Petitions for Temporary Signs.

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- a. An application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required by the Planning Director to assure compliance with the laws and regulations of the City, including:
 - 1. Name and address of the property owner of the premises on which the signs is located or is to be located.
 - 2. Name and address of the owner of the sign.
 - 3. Clear and legible drawings with description showing the dimensions of the proposed sign and its proposed location.
 - 4. Nature of device to be used.
 - 5. Period of time the device is to be used.
 - b. An application for a permit shall be reviewed and approved by the Planning Director.
 - c. The permit fee as specified by the Official Fee Schedule shall be paid to the Building Commissioner or Planning Director. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall no relieve any person from compliance with other provisions of this code and penalties prescribed herein.
- K. Improvements Location Permit: The following procedure applies to Improvement Location Permit Petitions.
- a. No building, structure, or major infrastructure shall be erected, moved, added to, demolished or structurally altered without an Improvement Location Permit approved by the Planning Director and issued by the Building Commissioner or Planning Director. No Improvement Location Permit shall be issued by the Building Commissioner or Planning Director unless the project is in conformity with the provisions of this Ordinance. Changes of use or expansions of use also require an Improvement Location Permit.
 - b. An application for an Improvement Location Permit shall be submitted at least fifteen (15) days prior to the issuance of an improvement location permit and shall include the following items:
 - 1. The common address for the subject property and parcel number,
 - 2. A site location map showing the context around the subject property (aerial or USGS maps are preferred),
 - 3. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon,
 - 4. The exact sizes and locations of all buildings, wells, and septic systems already existing, if any,
 - 5. The location and dimensions of the proposed building(s) or alteration, including all paved areas,
 - 6. Building setback distances from all property lines, and from existing and proposed road right of ways,

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7. Width and length of all entrances and exists to and from the real estate, and
 8. Location of floodplain boundaries or wetlands.
- c. The application shall also include such other information as lawfully may be required by the Plan Commission or Planning Director to determine conformance with and provide for the enforcement of this ordinance but not limited to:
- Elevations of the existing or proposed building or alteration,
 - Detailed description of the existing or proposed uses of the building and land,
 - The number dwelling units or rental units the building is designed to accommodate,
 - Nature, physical or hazardous conditions existing on the lot,
 - Landscape plan,
 - Lighting plan and
 - Copy of Drainage approval (if applicable).
- d. The approved plans and application materials are retained by the Plan Commission, Planning Director or Building Commissioner's Office. Site plans must be prepared by a land surveyor licensed in the State of Indiana.
- e. Expiration of Permits:
1. If the work described in any Improvement Location Permit has not begun within (4) months from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.
 2. Completion of Work: If the work described in any Improvement Location Permit has not been completed within one (1) year for a primary structure or accessory structures or other improvements of the date of issuance thereof, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained.
 3. The Planning Director may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration. A fee will be charged.
- f. Construction According to Permits and Permit Application: Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.

- g. Scott County hereby requires that an Improvement Location Permit be obtained for the following:
- All residential dwellings,
 - Mini-barns over 120 square feet without a foundation; or any size with a foundation,
 - Other detached and attached garages, carports, and stables,
 - Temporary structures,
 - Swimming pools (in ground or above ground),
 - Alterations, modification, exterior remodeling, or additions to all structures,
 - Tents (commercial only),
 - All commercial, industrial, multifamily and institutional buildings,
 - Structures other than buildings (including satellite dish, towers, antennas),
 - Surface and subsurface drainage work (including land alteration but excluding agricultural uses),
 - Streets cuts,
 - Curb cuts,
 - Removal of trees and plants within buffer yards required by this ordinance,
 - Removal of trees and plants required by the landscaping provisions of this ordinance.
 - Adding or subtracting dwelling units or leases space in multifamily or commercial structures,
 - Placement or moving of manufactured or mobile homes,
 - Construction of or alterations to ponds or lakes,
 - Mineral extraction,
 - Telecommunication facilities,
 - Any exterior construction that adds to or alters the height of the existing structure, and
 - Any change of use or expansion of use of property.
- L. Certificate of Occupancy: The following procedures apply to a Certificate of Occupancy Petition.
- a. It shall hereby be declared unlawful and in violation of the provisions of this ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupies or utilized prior to:
1. Legally obtaining an Improvement Location Permit and Building Permit,
 2. Passing a final inspection to be conducted by the Building Commissioner’s Office; and
 3. Receiving an approval on the Certificate of Occupancy from the Planning Director.
- b. A Certificate of Occupancy shall only be received if all requirements of the Improvement Location Permit/Building Permit

have been completed. Due to weather or other circumstances, a Certificate of Occupancy may be issued without all the required landscaping installed if a landscape bond is provided. The landscape bond shall be one and half times (1 ½) the cost of the planting and installation cost. In order to determine the bond amount, a quote of the actual cost will be provided by the developer's landscaping contractor.

9.4 Schedule of Fees

The County Commissioners and City Council shall maintain an Official Fees Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are considered a part of this Ordinance. The Fees Schedule shall be available to the public in the office of the Scott County Auditor and the Planning Director. The Fees Schedule may be amended by a recommendation submitted to the County Commissioners and City Council by the Plan Commission followed by the County Commissioners and City Council approving said amendments by resolution.

Until all applicable fees, charges, and expenses have been paid full, no final action shall be taken on any permit application, appeal, or petition.

Article Ten

Enforcement and Penalties

10.1 Authority

The Plan Commission, Board of Zoning Appeals, County Commissioners and City Council, and/or the Planning Director, the Building Commissioner, the Fire Marshal, and their delegates are designated to enforce the provisions, regulations, and intent of this Ordinance.

10.2 Violations

Complaints made pertaining to the Zoning Ordinance may be investigated by the Planning Director, the Building Commissioner, the Fire Marshal and/or their delegates. Also, any violations suspected by the Plan Commission, County Commissioners, City Council or Planning Director shall be investigated by the Planning Director or his/her delegate. Action may or may not be taken depending on the findings. The degree of action will be at the discretion of the investigating person(s) and should reflect what is warranted by the violation.

10.3 Inspection of Property

Investigations of property may be conducted by the Planning Director, the Building Commissioner, the Fire Marshal, and/or their delegates either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once the inspector has presented sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

In the event that the investigator(s) is (are) denied entry, and providing there is evidence of violation of this Ordinance, the Plan Commission, County Commissioners, City Council or Planning Director may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of this Ordinance or any applicable ordinances adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

The warrant issued shall order the owner, tenant, and/or occupant to permit entry by the Planning Director, the Building Commissioner, the Fire Marshal, and/or their delegates for the purposes documented in the application for the warrant.

10.4 Responsibility of Violations

The owner, tenant, and/or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in

whole or in part in persons other than the Owner, the Owner shall be held responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the Owner, the Owner shall be held responsible in whole or in part as warranted by the Plan Commission, Board of Zoning Appeals, County Commissioners, City Council, or Planning Director.

10.5 Liability

A structure that is raised or converted, or land used in violation of this ordinance or its subsequent amendments may be deemed a common nuisance and the owner or possessor of the structure, or land is liable for said nuisance.

10.6 Violations During the Construction/Building Process

The Plan Commission or Planning Director may place a stop-work-order or violation notice on any lot improvement process. Stop-work orders shall be issued by written notice which shall state the violation and that work or the illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant. The Plan commission or Planning Director must meet with the person(s) served the stop-work-order notice within seven (7) days of such a request. A memorandum of agreement shall be drafted stating the conditions in which construction or action may be resumed. This memorandum or agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Planning Director or Plan Commission President.

A. Reasons for a Stop-Work-Order include:

- Not complying with the Development Standards and/or any regulations of the Zoning or Subdivision Control Ordinance.
- Not obtaining an Improvement Location Permit.
- Not meeting the conditions or commitments of a special exception, variance, or building permit.
- Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants which are enforceable by the Plan Commission.
- Not obtaining any other permit necessary for site/property improvement as called out in local Code, Zoning Ordinance, or Subdivision Control Ordinance.
- Illegal use or expansion of use of building/structures or building/structures and land in combination.

10.7 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, County Commissioners, City Council and/or Planning Director. Penalties may be imposed based on the provisions set forth in this Article.

A. The placement of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or

- explicit intent of the Zoning Ordinance as determined by the Plan Commission or Planning Director.
- B. The erection of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or explicit intent of the Zoning Ordinance as determined by the Plan Commission or Planning Director.
 - C. The failure to maintain a primary structure, accessory structure, sign, accessory structure, or any other element including property maintenance as determined by the Plan Commission or Planning Director.
 - D. Failure to obtain an Improvement Location Permit or any other required permit under this Ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under this Ordinance.
 - E. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance.
 - F. Any failure to comply with and/or any regulations of the Zoning Ordinance, including, but not limited to the following: Development Standards, Improvements Location Permit, Development Plan, Planned Development, or Conditions imposed.
 - G. Proceeding with work under a Stop-Work-Order or a violation of a memorandum of Agreement.
 - H. Any failure to comply with commitments made in connection with a rezoning, approval of a Development Plan, Detailed Plan, Special Exception, Variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, City Council, or BZA meetings.
 - I. Failure to obtain a Certificate of Occupancy.

10.8 Procedure for Violations

There shall be a three step procedure for violations of this Ordinance. These steps are as follows:

- A. The Plan Commission, Planning Director or designated representative of the Plan Commission or County Commissioners or City Council shall issue a Notice of Violation letter to the person(s) who have committed, in whole or in part, a violation. The Notice of Violation letter will state that a Violation has been determined and that it must be corrected within fifteen (15) days of the postmarked date of notice. If the Violation is not corrected within fifteen (15) days the fines for the First Violation will be imposed. The Notice of Violation letter may include a listing of fines and penalties for informational purposes. If the violation has been corrected within the fifteen (15) days from the postmarked date of the Notice of Violation letter, no further action will be taken and no fines will be imposed.
- B. If the violation stated in the Notice of Violation letter is not corrected within fifteen (15) days the fines for the First Violation shall be imposed. The person(s) in violation will have fifteen (15) days to pay said fees and

comply with the penalties. The person(s) in violation must correct the violation within fifteen (15) days or face additional Notices of Violation. The Plan Commission may extend the time period needed to correct the violation if the violator is working in good faith to remedy the problem.

- C. If the person(s) in violation refuses to pay or comply with the penalties, or correct the violation, after the first Notice of Violation, the Plan Commission or City Council or their designee may progressively impose fines as outlined in the Fines and Penalties section (10.9) or may impose liens against the property and/or take legal action through the court system.
- D. It is not mandatory for a violator to be Noticed multiple times before liens or court action are sought. The Plan Commission or County Commissioners or City Council must determine which course of action will best result in the correction of the violation after a first Notice of Violation is noneffective.

10.9 Fines and Penalties

- A. Monetary fines will be imposed with the First Notice of Violation for each civil violation determined upon a single inspection as follows:
 - First Notice \$100.00 first civil violation determined
 - \$150.00 second civil violation determined
 - \$200.00 for each additional civil violation determined
- B. Additional monetary fines will be imposed for each subsequent notification and for each civil violation. Notices for violations shall be sent no sooner than fifteen (15) days after the previous notice.
 - Second Notice \$150.00 first civil violation determined
 - \$200.00 second civil violation determined
 - \$250.00 for each additional civil violation determined
 -
 - Third Notice \$250.00 first civil violation determined
 - \$300.00 second civil violation determined
 - \$350.00 for each additional civil violation determined
 -
 - Each Additional \$500.00 per civil violation
 - Notice
- C. Payment of any violation shall be delivered to the Planning Director who shall deposit the funds in the General Fund or Planning Commission Fund as determined by the County Commissioners or City Council. A receipt of payment must be recorded and a receipt issued to the person making payment.
- D. The Board of Zoning Appeals by mandatory injunction in the circuit court and/or superior of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.

- E. Any person who initiates site or structural changes, or changes of use of structure or property prior to obtaining an Improvement Location Permit or any other required permit will pay three times (3x) the amount of the normal permit fee as the First Notice of Violation. Said person will be subject to additional fines and penalties as per the schedule in (10.9B) above for civil violations if a permit is not filed within fifteen (15) days of the First Notice.

10.10 Appeals or Trials

Any person receiving a notice of violation and/or fines may appeal the violation and/or fines to the Board of Zoning Appeals or to the court of jurisdiction. A written statement from the person in violation shall be submitted to the Planning Director via Certified Mail at least three (3) days prior to the date the fine is due in order to appeal the violation.

No additional notices will be issued by the Plan Commission in the event the person(s) in violation has (have) submitted a written statement of their intention to Appeal or go to trial.

The person(s) in violation shall have thirty (30) days to file for a hearing with the BZA or court of jurisdiction. Also the person(s) in violation shall have a maximum of two (2) years to complete the hearing process with the BZA. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.

Fines due will be postponed until the BZA or court of jurisdiction have made a ruling as to the violation and/or fine.

10.11 Enforcement, Remedies, and Injunctive Relief

All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. Al. and all other applicable state law.

- A. The Plan Commission or any enforcement official designated by this Ordinance may bring an action in the Circuit of Superior Court of the County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments. This includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, etc.
- B. The Plan Commission or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
- Agreements between the Plan Commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
 - Commitments made in accordance with IC 36-7-4 et al.
 - Conditions imposed in accordance with IC 36-7-4 et al.
- C. The Board of Zoning Appeals, or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of

the County for a mandatory injunction, direction to remove a structure erected in violation of this Ordinance or applicable state code. If the Board of Zoning Appeals, or its designated enforcement official is successful in its action, the respondent shall bear all costs of the action.

- D. The Board of Zoning Appeals or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a structure erected in violation of this Ordinance or applicable state code. If the Board of Zoning Appeals, or its designated enforcement official is successful in its action, the respondent shall bear all cost of the action.
- E. An action to enforce a commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:
- Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
 - Any other specially affected person who was designated in the commitment.

Article Eleven

Definitions

11.1 General:

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

11.2 Defined Words:

The following terms shall have the following meanings:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Building, or Structure: A building or structure which:

- Is subordinate to a primary building or structure in area, intent, and/or purpose,
- Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use,
- Does not alter or change the character of the premises,
- Is located on the same zoning lot as the primary building, structure, or use,
- Conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance,
- May not be constructed prior to the time of construction of the primary building or structure, unless used for agricultural or personal storage or otherwise specified in this Ordinance,
- Is not designed for human occupancy as a dwelling or commercial use, and,
- In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the principal telecommunications tower, antenna, or other radio or cellular communications equipment.

Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right of way (ROW) are also considered adjacent.

Area Plan Commission: A plan commission serving multiple government jurisdiction establishment as defined under the Indiana Code, 36-7-1 as amended. The Scott County Area Plan Commission is an Area Plan Commission.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

“Agriculture” does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Alley: A public right-of way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of abutting property.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

Applicant: The owner, owners, or legal representative of real estate who makes application to the Scott County Area Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby.

Arterial Street: See Street, Arterial.

Assisted Living Facility: See Nursing Home.

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roofline. Carports, garages, porch awnings and the like are considered attached buildings and must abide by all regulations pertaining to primary structures.

Auto Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including frame, or fender straightening or repair; and overall painting of vehicles.

Auto Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under “Automobile Repair, Major”.

Automobile Service Station: Any building or premises used for the dispensing, sale, or offering sale to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other

minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Average Setback: An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Scott County Board of Zoning Appeals. If the subject property is a corner lot, the average of the front yard setbacks of structures adjacent to the subject property, along with the front yard setback of structures directly across the street of the subject property must be used.

Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding house or motel.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

Board: See Board of Zoning Appeals.

Board of Zoning Appeals: The Scott County Board of Zoning Appeals or any division thereof.

Boarding House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels or motels.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance for buffering lots from adjacent properties or public right-of-way for the purpose of increasing visual shielding of other aspects for privacy and/or aesthetics.

Buffer Yards: An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the building on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

Building Code: The Indiana Building Code which establishes and controls the standard for constructing all forms of permanent structures and related matters.

Building Height: See Structure Height.

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.

Business: The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Business Districts: Refers to the G B and L B Districts.

BZA: See Board of Zoning Appeals.

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

Cemetery: Property used for interring of the dead. It includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same property.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/industrial development.

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by the City of Scottsburg or the Scott County Regional Sewer District.

Certificate of Compliance: A certificate that is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Planning Director.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with the provisions of all applicable Scott County and City of Scottsburg Codes and Ordinances.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes Class I child care home and Class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8

Child Care Center: Any institution operated for the care of children, licensed pursuant to I.C. 12-3-2-3.1, et seq., and as defined by Indiana Code Section 12-3-2-3.

Child Care Institution: (A) a residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
(B) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
(C) operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under IC 4-22-2 by the Division of Family and Children.

Children's Home: See Child Care Institution.

City: The City of Scottsburg, Indiana.

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

Co-location Site: A site on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commission: See Area Plan Commission.

Comprehensive Plan: Refers to the Scott County Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Indiana Building Code as a condition of approval.

County: Scott County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-De-Sac: A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

DBH: Diameter-at-breast-height is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Day Care Center: See Child Care Center.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Detached Building: A building that has no structural connection with the primary building or any other building or structure.

Developer: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

District: Areas within Scott County for which uniform zoning regulations governing use, height, area, size, intensity of use of building and land, and open spaces about building, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are created for and treated in a manner acceptable for pet dogs, cats and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Drives, Private: See Street, Private.

Duplex: See Dwelling, Two-Family.

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the District in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family dwellings units, and two-family dwelling units, and multifamily dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing

Construction and Safety Standard Law (1974 U.S.C 5401 et seq.), and which also complies with the following specifications:

- Was constructed after January 1, 1981, and exceeds nine hundred fifty (950) square feet of occupiable space per I.C. 36-7-4(d),
- Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
- Has wheels, axles, and towing chassis removed,
- Has a pitched roof with a minimum rise of 2/12, and
- Consists of two (2) or more sections which, when joined, have a minimum dimension of 23' in width for at least 60% of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of 8' in width is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multifamily: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one (1) family. A single family dwelling shall be at least 23 feet wide for sixty percent of its length.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of a manufactured home and/or mobile home.

Dwelling, Two-Family: A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association or persons and having permanently installed sleeping, cooking, and sanitary facilities.

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Expressway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Finished Floor Area: See Floor Area, Finished.

Floodplain: The relatively flat area or low land adjoining the channel or a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

Flood Protection Grade: The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) or party walls separating such buildings or portions thereof. Floor areas of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linkage rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Main: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area or a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The supporting member of a wall or structure.

Freeway: See Expressway.

Front Line: With respect to a building, the foundation line that is nearest the front line.

Front Lot Line:

- A. For an interior or through lot, the line marking the boundary between the lot and the abutting street, right-of-way or a Lake or watercourse; and
- B. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.

Front Yard: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front line.

Frontage: See Lot Frontage.

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Ground Floor Area: See Floor Area, Main.

Group Home: A facility that houses not more than ten (10) children that are either (A) in need of service under IC 31-34-1; or (B) children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5. Group homes are not subject to covenants, deeds, or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by IC 12-17.4-5 and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Height: See Structure Height.

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming uses(s) shall not exceed 40% of the land area of the lot and shall abide by all setbacks regulations. Hobby farming cannot be the principal income source for the owner, operator or household on site.

Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Hotel: A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residence.

Impervious Surface: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

Improvement Location Permit: A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Industry: See Manufacturing.

Industrial District: Refers to the I District.

Initial User: The applicant, person, organization or corporation that originally applies to Scott County for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

Interior Lot: See Lot, Interior.

Interstate: See Expressway.

Jurisdiction: See Planning Jurisdiction.

Junk: An automobile, truck, other motor vehicle, watercraft, large appliances, furniture or like materials which have been damaged to such extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State, County, or City vehicle licensing or other laws or ordinances.

Junk Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation or organic matter.

Kennel (Commercial): A place primarily for keeping more than four (4) dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

Kennel (Private): A place for keeping up to four (4) dogs, or other small animals for personal use and enjoyment which is subordinate to the principal use. Private kennels are not regulated in this Ordinance and are permitted in all districts.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Nonconforming Building or Structure: Any continuously occupied, lawfully established structure or building prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal Nonconforming Lot of Record:

Any legally established and recorded lot prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of this ordinance, or amendment thereto, that does not conform to all the standards and regulations of this Ordinance and has been registered within the allotted time period as described in Section 7.6 of this Ordinance.

Local Street: See Street, Local.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in this Ordinance: Interior Lots, Corner Lots, and Through Lots. In all other Districts, a lot may only contain one primary structure.

Lot, Buildable: See Lot, Improved.

Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.

Lot Coverage: The area of a lot occupied by the primary building, any accessory structures and impervious surface.

Lot Depth: The horizontal distance between the front and rear lot lines.

Lot, Developed: A lot with buildings or structures situated thereon.

Lot Frontage: The length of the front lot line bordering upon a public right of way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right of way. Lot frontage requirement for a cul-de-sac lot is one half (1/2) the distance required for standard lots.

Lot, Improved: A lot upon which a structure or building can be constructed and occupies as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot as sewer, water, electricity, etc.

Lot, Interior: A lot other than a corner lot or a through lot.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory buildings are allowed in front yards facing watercourses or lakes.

Lot Width: The distance between the side lot lines as measured on the front line. Cul-de-Sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other.

Main Floor Area: See Floor Area, Main.

Maneuvering Space: An open space in a parking area which:

- Is immediately adjacent to a parking space,
- Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See Dwelling, Manufactured Home.

Manufactured Home Park: A parcel of land containing two or more dwellings sites, with required improvements and utilities, that are leased for the long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing: The assembly, fabrication or processing goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See Comprehensive Plan.

Mobile Home: See Dwelling, Mobile Home.

Mobile Home Park: See Manufactured Home Park.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel

furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motor Home: See Recreational Vehicle.

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, boat, recreational vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

Mural: A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a Sign is not regulated by this Ordinance. Murals that function as a sign are regulated in this Ordinance as a Wall Sign.

Nonconforming Building: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulation of the district in which it is located.

Nonconforming Lot of Record: A lot which was created such that it does not conform to the regulations of the district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use which does not conform with the use regulations of the district in which it is located.

Nursing Home: A private home of the care of the aged or infirm, or any person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Official Zoning Map: A map of Scott County and the City of Scottsburg, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Planning Director.

Official Zoning Map Copies: A map of Scott County and the City of Scottsburg, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-site Improvements: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Outdoor Storage: See Storage, Outdoor.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parcel: See Lot.

Parent Tract: A lot of record as recorded on the effective date of this ordinance. Multiple pieces (lots) owned by one person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two or more pieces of land owned by one person, persons in partnership, or a business.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1-1/2) ton capacity.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Planning Director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One and Two Family Dwellings Code.

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Plan Commission: See Advisory Plan Commission.

Planning Director: The officer appointed by and/or delegated the responsibility for the administration of this ordinance’s regulations by the Plan Commission.

Planning Jurisdiction: All land within the corporate limits of the City of Scottsburg, Indiana and Scott County, not including the corporate limits of the Town of Austin, Indiana.

Plat: A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

Plat, Primary: The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

Plat, Secondary: The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Porch: A roofed-over structure projecting out from the wall or walls or a main structure and commonly open to the weather in part.

Practical Difficulty: A difficulty with regard to one’s ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the Development Standard to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See Street, Primary Arterial.

Primary Plat: See Plat, Primary.

Primary Structure/Building: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential to residential uses, the principal building or structure shall be the main dwelling. Only one primary structure shall be allowed on any one lot at any time, with the exception of any recorded secondary plats involving multiple family residential development with more than one residential structure.

Principal Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

Private Street: See Street, Private.

Professional Office: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, planners, physicians, surgeons, pharmacists, and realtors or insurance agents and brokers.

Public Improvements: Any storm drainage facility, street, highway, parking, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public/Private Parking Area: A group of parking space in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Public Street: See Street, Public.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

Rear Lot Line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See Graphic for Rear Yard)

Rear Yard: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two side yards.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: A flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Residential District: Refers to the R 1 and R 2 Districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in I.C. 12-28-4.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in I.C. 12-28-4.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4. No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Scott County Area Plan Commission planning jurisdiction as stated in Indiana Code.

Re-subdivision: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the marker of the plat on which such right-of-way is established.

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

ROW: See Right-of-way.

Road: See Street.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade, Business, or Commercial: An educational facility which offers instruction specific to a trade, business, or commercial.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusive in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquired such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, process melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones, and shattered glass on the premises of such an

establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Setback: The minimum horizontal distance between the building line and the lot line or right-of way.

Side Lot Line: A lot boundary line other than a front or rear lot line.

Side Yard: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.

Sign, Ground: A sign, in which the bottom edge of the sign is permanently affixed to the ground. A movement sign is another name for a Ground Sign.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in this Ordinances. Mural's without a commercial message are not regulated by this Ordinance.

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where sign is located or to which it is affixed. Also called billboard or off-premise sign.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; ballons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the BZA.

Storage Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Street: Any vehicular right-of-way that:

- Is an existing state, county, or municipal roadway,
- is shown upon a plat approved pursuant to law,
- is approved by other official action, or
- is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Primary Arterial: A street with access control, restricted parking, and the collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and that are maintained by the owner(s).

Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs and other similar items.

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.

Subdivision: The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can, transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the Scott County Subdivision Control Ordinance.

Secondary, Plat: See Plat, Secondary.

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

Telecommunications Facility: A site that houses a telecommunications tower, support structure, antennas, accessory structures and/or associated radio or cellular communications equipment.

Telecommunications Tower: A monopole or lattice structure situated on a site used to support antennas and radio or cellular communications equipment.

Temporary Improvement Location Permit: A permit issued under the Zoning Ordinance permitting a temporary use or structure not to exceed two (2) months. One (1) extension of two (2) months may be authorized by the Planning Director for reason/cause.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion pictures theaters and adult entertainment business.

Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the Scott County Comprehensive Plan.

Tower: See Telecommunications Tower.

Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Variance, Use: The approval of a use other than that prescribed by the zoning ordinance, an act granted by I.C. 36-7-4-918.3.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: See Motor Vehicle

Yard: A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance. All required yards shall be kept free of all materials including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.

Zoning District: See District.

Zoning Map: See Official Zoning Map.